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December 15, 2004

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y
★ DEC 15 2004 ★
LONG ISLAND OFFICE

Honorable Magistrate Judge James Orenstein, U.S.M.J.
United States District Court

Re: Novak v. Google Inc, Et Al No. Cv 02- 5164 (DRH-JO)

Dear Judge,

I am writing to inform your Honor that defendant Overture had served upon Plaintiff requests for admissions, documents and interrogatories. On December 6, 2004 I requested this defendant voluntarily enter into a confidentiality agreement in order that all requests be answered.

In response to this request I received a phone call on December 13th by Mr. Philip Jones attorney for Overture, claiming that a letter was sent requesting a deposition of plaintiff on December 21, 2004.

To date no written Notice of Deposition request has been received as per FRCP 30(b), but in an effort to move things along I was proceeding without having such in hand.

However, I felt that it wasn't reasonable notice to prepare and suggested December 29th, which was agreed to by both parties. It was further agreed that all documents would be over-nighted on December 20th to be in Mr. Jones hands on the 21st.

Mr. Jones called me back ten minutes later and said that the 21st wasn't enough time for him to review the documents prior to the deposition on the 29th.

He demanded and *threatened* to make a motion to this Court to compel the plaintiff to have these documents on the 17th.

I respectfully request that the Court resolve and set my deadline to produce the documents on the 21st.

Otherwise, Overture's attorneys will probably waste your Honor's time with other motions.

Respectfully submitted,

Robert Novak

Cc:Parties by Fax

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